

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-v-

Israel Garcia,

Defendant.  
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21-cr-412 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

The Court has received the attached letter from Mr. Garcia. The Government and Mr. Zaltzberg should file any responses they wish to file in writing by no later than April 26, 2022. The Court will conduct an in-court hearing on the matters raised in Mr. Garcia's letter on May 2, 2022 at 2pm.

SO ORDERED.

Dated: New York, NY  
April 19, 2022

  
JED S. RAKOFF, U.S.D.J.

Israel Garcia 56417509  
MDC Brooklyn  
Metropolitan Detention Center  
P.O. Box 329002  
Brooklyn, NY 11232

Attention: Judge Rakoff  
Daniel Moynihan United States Courthouse  
300 Pearl Street  
New York, NY 10007

April 7, 2022

Dear Judge Rakoff,

I am writing to inform you of the discrepancies I have been having with my court-appointed council. As you know, Mr. Zaltzberg and I have had many instances of miscommunication, and we have not been on the same page for some time now. For several months, I have been trying my best to exercise patience with Mr. Zaltzberg; however, I have finally found the courage to stand up and speak for myself and all that has transpired between us.

Throughout the past eight months, I have tried reaching out to Mr. Zaltzberg and only had the opportunity to meet with him seven times. During these meetings, I have always provided Mr. Zaltzberg with valuable insight, which he would abruptly dismiss and refuse to acknowledge. I continued to try but feel I have now exhausted all of my patience and resources in attempting to keep a solid and open communication with Mr. Zaltzberg.

Today was the first time I was able to reach Mr. Zaltzberg since my three weeks of incarceration. I know that a council's caseload can sometimes be overwhelming, and life responsibilities can get in the way. I believe, however, that these do not justify his behavior throughout this entire case.

Of greater importance is the fact that I never intended to plead guilty. I was following his instructions as my appointed council. Even after viewing the thirty-five hundred material at his office, my focus was still on proceeding to trial. Instead, Mr. Zaltzberg discouraged me every chance he could. He stated things such as, "Nobody is going to believe that story, you are going to be judged by 12 jurors, and no offense, but of my kind - whites". He also stated that you (Judge Rakoff) were not going to change him. This was only one of the occasions that he spoke in this manner.

On March 4th, 2022, after leaving your courtroom, Mr. Zaltzberg and I had a verbal disagreement outside the courthouse in front of my family, students, and co-workers about what transpired in court. He stated, "Did you honestly think that was going to work? Either you are insane or you just don't care. You are going to lose. This is your only and best option. If I can

take five years off and at least get you ten, I would rather that.” This impacted me in such a powerful way that I began to second guess myself and the likelihood of going to trial. Although I was born with learning challenges and struggled with that for most of my life, Judge Rakoff, it does not take much thinking to see that ten years is better than life in prison. As a father, the thought brought me fear and anxiety at the possibility of leaving my daughter and unborn son to be raised without a father.

I understand how devastating it is to not have an active father in your life, and wanted to break that cycle for my children. This statement that Mr. Zaltzberg made was quite intimidating and led me to listen to him and take the plea deal because I would rather be absent from their lives for ten years rather than permanently.

The following Tuesday, March 8, 2022, on my way to court, my father, who is eighty-four years old, and for whom I am his documented home attendant and caregiver, was taken to the emergency room due to issues with his liver functionality and other health complications. I provided Mr. Zaltzberg with all the documents from the hospital and asked him to file a motion regarding my father’s medical emergency. Instead, he returned my call and stated, “The AUSA denied it and said either I come into court or my minimum is fifteen years in prison.” To show compliance and exercise patience and respect, I kept quiet again and followed Mr. Zaltzberg’s instructions. Unfortunately, his casual behavior and ineffective council do not end there.

The day I was instructed by Mr. Zaltzberg to plead guilty was March 8th was the first time I saw the plea agreement. The plea agreement was handed to me ten minutes before entering the courtroom. Mr. Zaltzberg never thoroughly explained the plea agreement. I only realized what I signed due to Ms. Nicole Brown from pre-trial services.

As it relates to pre-trial services, Mr. Zaltzberg was absent on all three occasions during my PSI report with Ms. Brown, which raised many concerns. During my conversation with Ms. Brown during our second interview, we tried reaching Mr. Zaltzberg via phone, and that was when I learned of all the enhancements in my plea deal and what they meant. This raised many concerns that I later expressed to Mr. Zaltzberg via email and in person.

Furthermore, Judge Rakoff, Mr. Zaltzberg, handled himself unprofessionally. As I mentioned earlier, I tried contacting Mr. Zaltzberg on numerous occasions requesting my plea agreement, motions, and all the other legal documents. I have yet to receive anything from him. While trying to reach Mr. Zaltzberg since my incarceration, I instructed my wife to notify him that I was requesting he visit me as soon as possible. When he showed up, the meeting lasted five minutes due to his unprofessional conduct and disregard for my welfare. During the meeting, I raised all my concerns about the behaviors he has shown throughout my case. I would like to state that throughout all the issues I was having with communication and a lack of urgency for my case, neither Mr. Zaltzberg nor I had used foul language to each other until this meeting.

After explaining all that had transpired and my concerns, Mr. Zaltzberg stated in regards to the pre-trial meeting with Ms. Brown that, “Rakoff doesn’t care about the PSI report. He’s not going

to give you more than ten years, and I do not have to be present. And besides, why did you speak more than you should have." This statement brought so many emotions, and I became defensive. I continued asking how he was so certain about the sentencing and if he was sure you, Judge Rakoff, cared or did not care about the PSI report. He became agitated and burst out, "I don't understand your shit. What's the big fucking concern? You pled guilty already." This caused me to do the same and say, "You fucking told me to become I will get life." This caused a commotion on the visiting floor, and I was later addressed by CO Urena, who overheard everything that happened. This event ended our visit. Two days later, I tried contacting Mr. Zaltzberg via phone but was unsuccessful, so I decided to send him an email with my concerns and address what happened recently with permission to write a letter to you. It has been one week since I sent him the email. When I brought that to his attention, he stated that he's been busy and has not been able to sit at his computer."

At this point, Judge Rakoff, I believe Mr. Zaltzberg has taken advantage of my ignorance of the legal system and my rights as his client and does not represent me to the best of his ability, nor does he have my best interest in mind.

As I stated before, I want to exercise my right to go to trial, but not with Mr. Zaltzberg as my council. He is not someone I would trust to fight for my life or freedom. I request that you remove Mr. Zaltzberg as my council and appoint another attorney or allow my family to provide me with another attorney. I believe I am being imprisoned unjustly, and this is the only way to be heard.

Thank you for taking the time to read my letter. I pray you consider everything I have written.

Sincerely,

Israel Garcia